

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| WILLIAM E. HEWITT, II,            | ) |                      |
|                                   | ) |                      |
| Plaintiff,                        | ) | 4:07CV3151           |
|                                   | ) |                      |
| v.                                | ) |                      |
|                                   | ) |                      |
| SOCIAL SECURITY                   | ) | MEMORANDUM AND ORDER |
| ADMINISTRATION, Michael J. Astrue | ) |                      |
| Commissioner,                     | ) |                      |
|                                   | ) |                      |
| Defendant.                        | ) |                      |
|                                   | ) |                      |

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This matter is before the court on the motion for attorney fees, Filing No. [34](#), of William E. Hewitt, II (“Hewitt”) under the Equal Access to Justice Act (“EAJA”), [28 U.S.C. § 2412](#).

The court entered an order and judgment reversing the administrative law judge and finding Hewitt eligible for disability benefits. Filing Nos. [32](#), [33](#). The court reversed and remanded this case to the Commissioner of the Social Security Administration (“defendant”) for computation and determination of benefits. Both parties agree that Hewitt is entitled to fees under the EAJA.

In his motion for payment of fees, Hewitt requests \$4,636.50 under the EAJA for the work his attorney performed (37.1 hours at \$125.00 per hour) in connection with his federal court action from May 5, 2007, to the present time. Filing No. [34](#), Exhibit A and Affidavit of William E. Hewitt, II (“Hewitt Affidavit”). Defendant has no specific objections to such an award. Filing No. [38](#).

After carefully reviewing the record, and in particular, the itemized amounts set forth by plaintiff’s attorney, Mary Stoughton Wenzl, in Filing No. [34](#), Exhibit A, the court

concludes that a 28 U.S.C. § 2412 fee award in the amount of \$4,636.50 is reasonable and plaintiff's motion is granted. Plaintiff has requested that the entirety of the fee be paid directly to his attorney, Mary Stoughton Wenzl, satisfying and discharging his obligations under his fee agreement between his attorney and himself. Filing No. [34](#), Hewitt Affidavit. Accordingly, the court directs the defendant to pay the entire EAJA award in the amount of \$4,349.18, directly to Mary Stoughton Wenzl.

THEREFORE, IT IS ORDERED that

1. Plaintiff's motion for attorney fees, Filing No. [34](#), is granted.
2. The court orders the defendant to pay plaintiff's attorney, Mary Stoughton Wenzl, the EAJA fee in the amount of \$4,636.50.

DATED this 28th day of January, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge